

LDWSF
12.3.94.1-3
8/20/13

**U.S. EPA
CERCLA SECTION 104(e)
INFORMATION REQUEST**

Respondent: Representative of Puget Sound Truck Lines, Inc.
c/o Thorsrud Cane & Paulich
1300 Puget Sound Plaza
1325 Fourth Ave.
Seattle, WA 98101

Site: Lower Duwamish Waterway, Seattle WA

King County Parcels: 2136200681, 2136200670

Date: 1937 to present

CERCLA Section 104(e) SUPPLEMENTAL RESPONSES

5. Insurance Coverage

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.
- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:
 - I. the name and address of each insurer and of the insured;
 - II. the type of policy and policy numbers;
 - III. the per occurrence policy limits of each policy; and
 - IV. the effective dates for each policy.
- c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.

- d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.
- e. Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.
- f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.
- g. Identify Respondent's policy with respect to document retention.

SUPPLEMENTAL RESPONSES

a. Enclosed is a copy of Aetna policy no. CPP 40-74-09 for the policy period of January 1, 1979 to January 1, 1982. We are not supplementing with copies of policies that declined coverage, or where, due to unlikelihood of coverage or liquidation of the insurance carrier, there was no tender. See information provided under (d) below.

b. We do not have complete copies of either the Federal Insurance or the Centennial Insurance policies.

Federal Insurance Policies

- I. Chubb Group of Insurance Companies
Environmental Claims Dept.
2603 Camino Ramon, Suite 300
San Ramon, CA 94583-9136
- II. CGL
- III. \$100,000 BI/PD (77-78), \$500,000 BI/PD (78-79)
- IV. 1/1/1977-1/1/1979

And:

- II. Umbrella (7907 67 07)
- III. \$4,000,000 occ./aggr. excess over \$1 million occ. \$2 million gen. aggr.
- IV. 6/1/01 to 6/1/02

And:

- II. Umbrella (7907 67 07)
- III. \$1,000,000 occ./aggr. excess over \$1 million occ. \$2 million gen. aggr.
- IV. 6/1/02 to 6/1/03

Centennial Insurance Policy

- I. Centennial Insurance Co. (in liquidation)
c/o Gary J. Hale
Washington Insurance Guarantee Association

1720 S. Bellaire St., Suite 408
Denver, CO 80222

- II. CGL
- III. \$500,000 BI/PD per occ/aggregate
- IV. 1/1/80- 1/1/81

We enclose a letter from Chubb with a part of Federal Insurance policy no. 71017491, a tender letter to Chubb, and a letter from Atlantic Mutual Insurance quoting a portion of the Centennial policy no. 465-78966 for the 1980-81 period (now in liquidation, being handled by the Washington Guarantee Association under claim no. 98510421).

- d. Currently three insurers have agreed to provide a defense regarding the Duwamish Waterway site cleanup, but one of them is in liquidation. These are

Atlantic Mutual (Centennial), policy no. 465-78966 for the 1980-81 period (now in liquidation, being handled by WIGA under claim no. 98510421),

Aetna (now administered by Brandywine Group, formerly by Resolute Management) under a reservation of rights, policy no. CPP 40-74-09 for the 1979-80 period, and

Federal Insurance (a part of the Chubb Group of Insurance Companies) under a reservation of rights, policy no. 71017491 for the 1977-79 period.

Prior to the involvement of Thorsrud Cane & Paulich (TCP), Gordon Thomas Honeywell (GTH) tendered the Duwamish claim to several insurance companies. The tenders were based upon archival work done by GTH. According to GTH, they tried to locate PSTL's actual policies for months without success. They were, however, able to gather enough information about policy dates and numbers to put together the tenders. However, it appears that some of that information was simply inaccurate.

Below is a chart which identifies the supposed insurer, the date of the tender, the supposed insurance policy number(s), the supposed dates of coverage, the supposed limits of insurance, and the insurers' responses as of 2010.

Insurer	Date	Policy	Dates	Limits	Response
St. Paul/Travelers	8/20/08	388FA1466 & 388FA5049	1/1/76 – 1/1/79	\$5M	Asked for additional information
Walker Insurance	8/20/08	21533 & 21534	1/1/76 – 1/1/78	\$400 XS \$100 & \$500 XS \$500	No record or ever having insured PSTL
World Marine	8/20/08	WUN1402 &	1/1/77 – 1/1/79	\$5M XS \$5M	Never had a

Underwriters		WUN1612			relationship with PSTL
Holland America Ins.	8/20/08	H85563 & H89978	1/1/79 – 1/1/81	\$100K	None
Centennial (Atlantic Mutual) Ins. Co.	8/20/08	465078966	1/1/80 – 1/1/81	\$500K	Defending under a reservation of rights (until it went into liquidation)
Chubb	8/20/08	71017491	1/1/77 – 1/1/79	\$100K (77-78) & \$500K (78-79)	Defending under a reservation of rights
Aetna	8/20/08	CPP407409	1/1/79 – 1/1/80	\$500K	None (later agreed to defend)

Subsequently, TCP tendered the claim as follows:

Travelers (St. Paul): 1/1/76 – 1/1/79, nos. 388FA1466, 388FA5049, re-tendered 2/22/10, Travelers responded in a 9/2/10 letter that it cannot locate the 1976-79 policies, having located only policies dating from 6/1/99 to 6/1/02, and reserved its right to deny.

Century (Resolute Mgmt.): 1/1/79 – 1/1/80 marine policy, re-tendered 2/22/10, declined defense.

Aetna (Resolute Mgmt.): 1/1/79-1/1/80, no. CPP40-74-09, re-tendered 2/22/10, defending under reservation of rights.

Holland America Ins.: 1/1/79 – 1/1/81, no. H85563, tendered 8/20/2008, no response, company is liquidated.

American Casualty (CNA): 1/1/81-1/1/84, nos. CCP004745462, CCP049121755, CCP092146217, tendered 1/10/12, CNA declined defense, policies not located.

Canadian Indemnity: 1/1/84–1/1/86 no. GLA460318, tendered 1/10/12, mail returned, company may no longer exist.

Unigard: 1/1/86 – 1/1/87, no. CC501652, tendered 1/5/12, insurer acknowledged tender, but the policy not located.